

### Family Burial Grounds

Many landowners elect to establish a burial ground on their property for the purpose of interring family members. Although a license to do so is not needed, such a family burial ground does have to be recorded with the property deed.

When a person appropriates for a family burying ground a piece of land containing not more than 1/4 of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds of the burying ground or encloses it with a fence, it is exempt from attachment and execution. The owner must have a description of the parcel recorded in the Registry of Deeds for the same county or by the Town Clerk.

To best assure protection of the burying ground as well as ensuring compliance with any local ordinances, we recommend that the parcel be recorded with both the Town and the County.

### Limitations on construction and excavation near burial sites

Pursuant to 13 M.R.S.A., §1371-A construction or excavation in the area of a known burial site or within the boundaries of an established graveyard must comply with any applicable land use ordinance concerning burial sites or graveyards, whether or not the burial site or graveyard is properly recorded in the deed to the property.

In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard, whether or not the burial site or graveyard is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation.

## Cemeteries and Crematoria in Maine



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## **Frequently Asked Questions About Maine Cemetery and Crematorium Regulations**

### **Where can I find Maine law and regulations relating to cemeteries?**

Excerpts from the relevant sections of Maine law are available on this site, on our web site (address on opposite side). For more detailed information, you can search Maine laws at the Maine Legislature's web site.

### **Who regulates cemeteries?**

The Department of Health and Human Services, Division of Environmental Health has the responsibility for overseeing the registration of new or expanded burial grounds, cemeteries, mausolea (above ground burial vaults), crematoria and columbaria (cremated remains depositories).

### **Can I bury someone on private property?**

Yes, if you register a family burial ground on that property, following all the requirements outlined elsewhere in this document.

### **Are coffins and vaults required by state law?**

No, they are not. In fact, some religions require burial in shrouds or similar provisions.

### **Does the Department of Health and Human Services regulate pet cemeteries?**

No, the Department only regulates facilities for the disposal or interment of human remains. To the extent that pet burials are regulated, it

is via municipal ordinances administered by the Local Health Officer as a nuisance abatement.

### **What are the requirements to register a cemetery?**

To register a new or expanded cemetery, burial ground, or mausoleum with the Department, other than a family burial ground, the registrant must submit an application for review and approval to the Division of Environmental Health.

### **Does the Department of Health and Human Services regulate funeral homes?**

The Department does not regulate the operation of funeral homes and associated facilities. These are regulated by the Department of Professional and Financial Regulation, Board of Funeral Service (207) 287-624-8603.

### **What are the requirements to open a crematorium?**

To license a crematorium with the Department, the applicant must submit an application for review and approval to the Division of Environmental Health.

### **Who can authorize cremations?**

You may pre-authorize your own cremation with a signed, written document without the consent of another person. If you do not make pre-arrangements for cremation, the following people may authorize cremation:

- Your spouse
- Your adult children
- Your parents

- Your siblings
- Your representative acting under your signed authorization.

### **What if none of these family members can be located?**

If the funeral home or crematorium is unable to locate the next of kin after making a good faith effort to find them, the most responsible person available may authorize a cremation.

### **Where can I scatter cremated remains in Maine?**

Title 13, Chapter 83, §1032 simply states that cremated human remains "...may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law." The Division recommends obtaining permission prior to scattering remains on private property.

### **If I think that the prices charged by a licensed cemetery or crematorium are too high, should I complain to the Department of Health and Human Services?**

No, since the Department does not regulate prices, fees, or charges set by cemeteries or crematoria.

### **How can I file a complaint against a cemetery or crematorium?**

You may file a complaint by:

- calling us at (207) 287-5689 or
- sending a written complaint with copies of all substantiating documents the Division.